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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of **FEB - 9 2000**  
Deployment of Wireline Services Offering  
Advanced Telecommunications Capability

CC Docket No. 98-147

**BellSouth Petition for Reconsideration**

BellSouth Corporation, on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), hereby seeks partial reconsideration of the Commission's *Report and Order* in the above referenced proceeding.<sup>1</sup> Specifically, BellSouth requests reconsideration of the *Report and Order* on the new rules allowing for the deployment of new technologies. These rules are inadequate to determine when a new technology can be deployed without causing significant degradation of existing services.

The *Report and Order* determined that a loop technology is presumed acceptable for deployment when the technology: (1) complies with existing industry standards; (2) has been approved by an industry standards body, the Commission, or any state commission; or (3) has been successfully deployed by any carrier without significantly degrading the performance of other services. BellSouth requests that the Commission reconsider its finding that new technologies are presumed deployable anywhere when successfully deployed in one state without significantly degrading other services.

<sup>1</sup> *In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Dkt. No. 98-147, *Third Report and Order* in CC Docket No. 98-147 *Fourth Report and Order* in CC Docket No. 96-98, FCC 99-355 (rel. December 9, 1999) ("*Report and Order*").

Noted and  
by 800E

BellSouth realizes that pursuant to 51 C.F.R. § 230(c) a first time deployment of a new technology will require that the deploying carrier demonstrate to the state commission, in which it first desires to deploy the new technology, that the new technology will not degrade existing services. Demonstration that a new technology will not degrade existing services to one state commission, however, should not be the basis for presuming that the technology is deployable in every other state. This essentially allows any state commission the opportunity to sanction the approval of new technologies on a national level.

Network architectures are configured differently between various locations and local exchange carriers. It is improper to assume that each incumbent LEC's network is engineered on a one size fits all basis. There are situations where a new technology may not degrade the existing services of one incumbent LEC in a particular state but will degrade another incumbent LEC's existing services in another state. Indeed, this was an important reason for the development of standards. They allow any entity a vehicle to provide input as to how new technologies would impact existing networks and services. Moreover, the standards serve as a guide to allow entities to configure their networks in such a way as to know with reasonable certainty that existing services will not be degraded if their networks are engineered according to the standards. Thus carriers know, based on standards of which the carriers had adequate representation expressing viewpoints about their network capabilities and engineering regarding new technologies, what technologies are deployable on their networks and what technologies are not.

Simply allowing a successful deployment, followed by a demonstration to a state commission that the deployment did not degrade any existing service in that jurisdiction, in order to set national deployment practices for new technologies, however, is a quantum leap from the

existing standards process. Not only does it shortcut the necessary research and discussion needed to adequately evaluate new technologies, but it denies the entities outside of the state's jurisdiction the opportunity to be heard on how the new technology impacts their networks.

As stated previously, all incumbent LECs' networks are not identical. Without doubt, some new technologies will work on one incumbent LEC's network but will degrade the services on another incumbent LEC's network. The latter incumbent LEC's remedy in such situations, assuming the CLEC has obtained state approval in one state to deploy the new technology, is painfully inadequate. Pursuant to the Commission's current rules, the incumbent LEC whose services are being degraded must demonstrate to its state commission that its existing services are suffering significant degradation.<sup>2</sup> By the time the incumbent LEC determines that such degradation is happening, significant damage will have occurred to the incumbent LEC's customers' services. Add to that the time necessary to obtain relief from the state commission and the problem is compounded. Thus, BellSouth believes that short of requiring a new technology to be approved by a standards body, the technology should at least be approved by the state commission in the state the carrier wishes to deploy the technology. State commissions are better suited to determine which new technologies are deployable in their states as opposed to being forced to accept new technologies that have been approved by other state commissions.

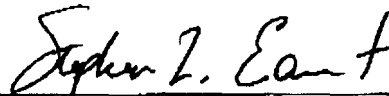
Allowing new technologies to be deployed nationally without providing the incumbent LECs, on whose network the new technologies will be deployed, the opportunity to participate in the review and approval process is untenable. It simply dismisses arguably the most important entities from the process and essentially guarantees that customers' services will suffer. Accordingly, BellSouth requests that the Commission change the existing *Report and Order* and

rules to require that new technologies cannot be deployed unless approved by: (1) industry standards, or (2) standards bodies, the Commission, or the state commission in the state in which the carrier wishes to deploy the technology.

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<sup>2</sup> See proposed rules in Appendix B of the *Report and Order*, Section 51.230(c), *Presumption of acceptability for deployment of an advanced services loop technology*.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 9th day of February, 2000, served the following parties to this action with a copy of the foregoing **BELLSOUTH PETITION FOR RECONSIDERATION/CLARIFICATION**, reference CC Docket No. 98-147, by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties on the attached Service List.

  
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